



State of Arizona Naturopathic Physicians Medical Board

"Protecting the Public's Health"

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Douglas A. Ducey – Governor

Dr. Bruce Sadilek, ND – Chair, Dr. Brian J. Popiel, ND – Vice Chair, Karen Tibbitts – Secretary/Treasurer

Diva Galan – Public Member, Dr. Clinton C. Campbell, Ph.D. – Public Member

Dr. Tam Spat – Physician Member, Dr. Daniel Rubin – Physician Member

MINUTES

**Thursday, April 9, 2020 • 12:30 p.m. • Board Room C, First Floor
1740 W. Adams Phoenix, AZ 85007**

1. CALL TO ORDER BY PRESIDING OFFICER

The meeting was called to order at 12:32 p.m. by Dr. Sadilek, Chair

A. Roll call of Board members and establishment of a quorum to conduct meetings.

Ms. Anthony called roll.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|--------------------------|------|------------------|-------------------------|--------------------------|-------|----------|-------|------|
| All Present Via Phone | 7 | x | x | x | x | x | x | x |
| Absent | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

B. Acknowledgement of presence of Board staff and legal counsel.

Ms. Sarah Asta, A.A.G. Present Via Phone

Ms. Gail Anthony, Executive Director

2. DECLARATIONS OF CONFLICTS OF INTEREST

None Declared

3. CIVILITY STATEMENT

Dr. Sadilek read the statement into the record.

4. CONSENT AGENDA – REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF THE FOLLOWING APPLICATIONS.

A. Naturopathic Medical License by Examination

Borakowski, Natalya (temporary license issued in accordance with A.R.S. § 32-1522.01)
Boyce, Jennifer (temporary license issued in accordance with A.R.S. § 32-1522.01)
Darby, Susan (temporary license issued in accordance with A.R.S. § 32-1522.01)
Drought, Kelly (temporary license issued in accordance with A.R.S. § 32-1522.01)
Garvin, Danielle (temporary license issued in accordance with A.R.S. § 32-1522.01)
Hartwell, Lillea (temporary license issued in accordance with A.R.S. § 32-1522.01)
Irwin, Rebecca (temporary license issued in accordance with A.R.S. § 32-1522.01)
Johnston, Shantele (temporary license issued in accordance with A.R.S. § 32-1522.01)
Manter, Alexandra (temporary license issued in accordance with A.R.S. § 32-1522.01)
Miller, Cassidy (temporary license issued in accordance with A.R.S. § 32-1522.01)
Orme, Michelle (temporary license issued in accordance with A.R.S. § 32-1522.01)
Savage, Nicholas (temporary license issued in accordance with A.R.S. § 32-1522.01)
Shaheen, Emmalee (temporary license issued in accordance with A.R.S. § 32-1522.01)
Shashtri, Nisharg (temporary license issued in accordance with A.R.S. § 32-1522.01)
Stein, Ashley (temporary license issued in accordance with A.R.S. § 32-1522.01)
Strahm, Kyle (temporary license issued in accordance with A.R.S. § 32-1522.01)
Tschudy, Nathaniel (temporary license issued in accordance with A.R.S. § 32-1522.01)
Villa, Laura (temporary license issued in accordance with A.R.S. § 32-1522.01)

B. Naturopathic Medical License by Endorsement

C. Renewal Medical License

D. Retire Medical License

E. Initial Certificate to Dispense

Borakowski, Natalya
Hartwell, Lillea
Miller, Cassidy
Seddig, Elspeth

F. Reinstatement Certificate to Dispense

Zupa, Vickie

G. Initial Certificate to Engage in a Clinical Training Program

H. Renewal Certificate to Engage in a Clinical Training Program

Komarov, Nina

I. Renewal Certificate to Dispense

J. Initial Certificate to Conduct a Preceptorship Training Program

Consent Agenda Vote: Dr. Sadilek made a motion to approve consent agenda items 4 A – J. Seconded by Dr. Popiel. Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

5. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION(S) FOR MEDICAL LICENSE.

A. Samuel Zuniga

Applicant appeared via telephone.

Ms. Anthony summarized Samuel Zuniga submitted an application for licensure by examination. Source documents indicated an arrest took place on 12/24/2016 for public intoxication. Mr. Zuniga failed to notify the Board at the time of the arrest, and failed to indicate the arrest on his application.

Dr. Sadilek asked Mr. Zuniga why he failed to check the appropriate box on the application.

Mr. Zuniga stated it was an oversight on his part.

Dr. Popiel stated he agreed with Dr. Sadilek that it is a concern.

Ms. Anthony clarified there are two incidents of failure to disclose. Mr. Zuniga was under the jurisdiction of the Board at the time of the arrest because he held a certificate to engage in clinical training, and failed to disclose the arrest at that time. The second failure was not indicating the arrest on his application for licensure.

Dr. Campbell stated that falsification on an application is serious, and asked Mr. Zuniga what type of assurance he can give the Board that this will not happen again. Mr. Zuniga stated the only assurance he could give was a verbal promise he will not omit information from the Board again, and is taking more care with his alcohol consumption.

Dr. Sadilek asked Mr. Zuniga if he has a problem with alcohol. He stated he does not.

Dr. Popiel made a motion to approve the application for medical license.

Seconded by Ms. Tibbitts.

Dr. Spat stated there are a lot of concerns regarding this applicant, and asked if there is anything else the Board can do.

Ms. Asta stated the Board does have options, which she would be happy to review with the Board in Executive Session.

Dr. Spat made a motion to go into executive session for legal advice. Seconded by Dr. Sadilek.

Roll Call: Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

1:05 p.m. Executive Session

1:15 p.m. Return to Open Session

Dr. Popiel stated he would like to continue with the motion he made prior to executive session, which was to approve the application for licensure. Ms. Tibbitts, confirmed she would like to continue with her second on the motion. Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

Dr. Spat made a motion to open a complaint and issue a letter of concern. The basis of the complaint is failure to report an arrest while engage in clinical training, and failure to correctly answer a background question regarding the arrest on his application for licensure. Seconded by Dr. Sadilek. Roll Call: Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

B. Sarah Coultas

Applicant appeared via telephone.

Ms. Anthony summarized Sarah Coultas submitted an application for licensure by endorsement, limited scope. Verifications indicate she holds a current license to practice naturopathic medicine in Hawaii, she held a license to practice naturopathic medicine in Washington which expired due to non-renewal, and held an Arizona Massage Therapy license, which is also expired due to nonrenewal. Verification of all are in good standing with no disciplinary actions. Ms. Coultas indicated a prior arrest on her application and submitted the appropriate documentation with her application. Source documents did confirm this arrest.

Dr. Sadilek confirmed with Ms. Coultas, the time line of her moves, and that there are no outstanding issues at this time. Dr. Sadilek reminded the Board this is an application by endorsement with limited scope, not to include acupuncture.

Dr. Campbell made a motion to approve the application for license. Seconded by Dr. Rubin. Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING FEE WAIVER APPROVAL, PURSUANT TO EXECUTIVE ORDER 2020-17 (2.), (3.)(Z).

Ms. Anthony summarized the request for fee waiver is based on Executive Order 2020-17, which allows any fees required to be collected by the board to be waived at the board's discretion. This order is in response to the COVID-19 pandemic, and in place until further notice. Ms. Anthony explained the waiver should have no negative monetary impact to the Board, based on the excess revenue being generated. At the time the order is repealed, the Board can review the revenue to make a determination if reduction of fees should be continued.

Dr. Rubin made a motion to approve the fee waiver until such time as the Executive Order is repealed or at the discretion of the Board. Seconded by Dr. Sadilek. Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |

| | | | | | | | | |
|---------|---|--|--|--|--|--|--|--|
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING IMPLEMENTATION OF ELECTRONIC OR REMOTE FORMAT FOR JURISPRUDENCE EXAMINATIONS, PURSUANT TO EXECUTIVE ORDER 2020-17 (1.)(D).

Ms. Anthony summarized the request for consideration and approval is based on Executive Order 2020-17, which orders boards to make every attempt to implement electronic or remote format examinations for licensure. Southwest College of Naturopathic Medicine recently implemented the ability to proctor examinations through a secured online process. Ms. Anthony explained the majority of the jurisprudence examinations are given at a time when the students enter clinic at the college, and requested the board approve the online examination method proposed.

Dr. Sadilek made a motion to approve the online examination method through Southwest College. Seconded by Dr. Ruben. Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING ISSUANCE OF PROVISIONAL LICENSE TO APPLICANTS, PRIOR TO COMPLETING THE JURISPRUDENCE EXAMINATION, PURSUANT TO EXECUTIVE ORDER 2020-17 (1.)(D-E).

Ms. Anthony summarized the request for consideration and approval is based on Executive Order 2020-17, (e.), which allows the Board to issue provisional licensure valid for six months prior to taking the jurisprudence examination, as long as all other qualifications for licensure have been met. The applicant would be required to take the examination prior to the six month period ends. Ms. Anthony explained that Southwest College online jurisprudence examination is not an option for these applicants, because they are not enrolled at the college. The Board will need to look into other available options for online examination for these few applicants.

Dr. Sadilek made a motion to approve the request. Seconded by Dr. Popiel. Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

9. CONSENT AGENDA VOTE. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DRAFT MINUTES.

- A. Draft Minutes of March 12, 2020 Meeting.
- B. Draft Executive Session Minutes, March 12, 2020 p.m.

Dr. Sadilek made a motion to approve items 9 A-B. Seconded by Dr. Popiel.
Roll Call: Motion Carried 7 Ayes.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | GALAN | CAMPBELL | RUBIN | SPAT |
|---------|------|------------------|-------------------------|-----------------------------|-------|----------|-------|------|
| Yes | 7 | x | x | x | x | x | x | x |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 0 | | | | | | | |

10. EXECUTIVE DIRECTOR'S REPORT

- A. Budget
- B. Current Licensee and Certificate Holder Numbers
- C. Current Number of Board Cases Under Investigation, Pending Before OAH, or On Hold Pending Outcome of Criminal Case.

No action taken.

11. FUTURE AGENDA ITEMS

None requested

12. CALL TO THE PUBLIC

No requests received.

13. ADJOURNMENT

Dr. Sadilek adjourned the meeting at 2:00 p.m.